

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JORGE L. AVILA-ISARRARAS

VS.

UV LOGISTICS, LLC and
ERNEST BENJAMIN

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CAUSE NO. 2:15-cv-443

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, UV LOGISTICS, LLC (“UVL”) and ERNEST BENJAMIN (“Benjamin”), file this Notice of Removal pursuant to 28 U.S.C. § 1441(a) and respectfully show the Court the following:

1. Plaintiff, Jorge L. Avila-Isarraras filed this action on September 9, 2015 against UVL and Benjamin in the County Court at Law No. 4 in Nueces County, Texas, Cause No. 2015-CCV-61944-4.
2. Plaintiff sued Defendants claiming that Benjamin, while acting as an employee of UVL, negligently caused a collision with a vehicle being operated by Plaintiff, Jorge L. Avila-Isarraras, wherein Plaintiff suffered personal injuries.
3. Defendant, UVL received Plaintiff’s Original Petition for relief in this action on September 24, 2015 and Defendant, Benjamin received Plaintiff’s Original Petition for relief in this action on October 2, 2015. This Notice of Removal is being filed within thirty (30) days from the date Defendants first received notice of the initial pleading filed

by Plaintiffs in the state court action that indicated that this case is removable. 28 USC § 1446(b)

4. Defendants file this Notice of Removal pursuant to 28 U.S.C. § 1332 to remove this action from the County Court at Law No. 4 of Nueces County, Texas to the United States District Court for the Southern District of Texas, Corpus Christi Division.

5. This state court action is a civil action of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, because the suit is between citizens of different States and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Both at the time that this action was brought by Plaintiffs and at the time of the filing of this Notice of Removal: UVL is and has been a corporation, incorporated under the laws of the State of Louisiana with its principal place of business in Louisiana; Benjamin is and has been a resident and citizen of the State of Louisiana; and Plaintiff is and has been a resident and citizen of the State of Texas.

6. This case is also removable because Plaintiff alleged in his Original Petition in state court that he seeks monetary relief in an amount over \$1,000,000.00.

7. In accordance with 28 U.S.C. 1446(a), a copy of all process, pleadings and orders from the state court action are attached to this notice. (Exhibit “A”)

8. In accordance with 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal will be promptly given to all parties and the clerk of the County Court of Nueces County, Texas.

9. In accordance with 28 USC § 1446(a), Defendants, Benjamin and UVL have consented to and join in this Notice of Removal.

10. Pursuant to Federal Rule of Civil Procedure 38(b), Defendants hereby demand trial by jury.

11. All fees required by law in connection with this Notice of Removal have been paid by the Defendants.

12. WHEREFORE, UV LOGISTICS, LLC and ERNEST BENJAMIN respectfully request, that this state court action be removed to this Court and placed on the Court's docket for further proceedings.

Respectfully submitted,

FROCK & BROUSSARD, P.C.

By: /s/ M. David Frock
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via facsimile transmission to all counsel of record on this 19th day of October, 2015.

/s/ M. David Frock
M. DAVID FROCK